



PATENT
DIVISION

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PATENT
Docket No.: 019633-000118US
Client Ref. No.: NRC00072.1
2004 SEP -3 PM 2:46

Mail Stop Petitions
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

On 08/30/04

TOWNSEND and TOWNSEND and CREW LLP

By: Aaron Hokamura
Aaron Hokamura

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
SEP 08 2004
OFFICE OF PETITIONS

In re application of:

GILBERT and WAKARCHUK

Application No.: 10/735,419

Filed: December 11, 2003

For: NUCLEIC ACIDS ENCODING
SIALYTRANSFERASES FROM C.
JEJUNI

Examiner: Not yet assigned

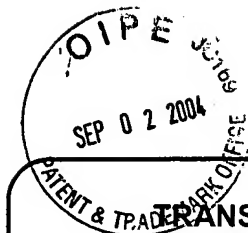
Art Unit: 1652

NOTIFICATION OF ERROR IN SMALL
ENTITY STATUS AND PAYMENT OF
DEFICIENCY OWED UNDER 37 CFR
§1.28(c)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The above-identified application filed on December 11, 2003, originally claimed small entity status in good faith. However, it has recently been discovered that such status as a small entity was established in error. The following submission and itemization are believed to meet the requirements of 37 C.F.R. Sections 1.28(c)(1) and (c)(2) and MPEP Section 509.03(X). Therefore, Applicants respectfully request the deficiency payment be processed and the correct entity status be accorded to the application.

LAC/FU
DIVISION 4

PTO/SB/21 (04-04)

TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/735,419
	Filing Date	December 11, 2003
	First Named Inventor	Gilbert, Michel
	Art Unit	1652
	Examiner Name	Not yet assigned
Total Number of Pages in This Submission	Attorney Docket Number	019633-000118US

2004 SEP -3 PM 2:46

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard; and Notification of Error in Small Entity Status and Payment of Deficiency Owed Under 37 CFR 1.28(c).
RECEIVED SEP 08 2004 OFFICE OF PETITIONS		
Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Townsend and Townsend and Crew LLP Beth L. Kelly Reg. No. 51,868	
Signature	<i>Beth L. Kelly</i>	
Date	01/20/04	

CERTIFICATE OF TRANSMISSION/MAILING		
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Typed or printed name	Aaron Hokamura	
Signature	<i>Aaron Hokamura</i>	Date 8/30/04

60296518 v1

09/08/2004 DALLEN 00000009 201430 10735419

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SEP 02 2004

PTO/SB/17 (10-03)

FEE TRANSMITTAL **for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 385

Complete if Known

Application Number 10/735,419

Filing Date December 11, 2003

First Named Inventor Gilbert, Michel

Examiner Name Not yet assigned

Art Unit 1652

Attorney Docket No. 019633-000118US

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

20-1430

Deposit Account Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	Utility filing fee	
		1002	340	Design filing fee	
		1003	530	Plant filing fee	
		1004	770	Reissue filing fee	
		1005	160	Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	** =		
Independent Claims	** =		
Multiple Dependent	X		

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	Claims in excess of 20
		1201	86	Independent claims in excess of 3
		1203	290	Multiple dependent claim, if not paid
		1204	86	** Reissue independent claims over original patent
		1205	18	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
				1051	130	Surcharge - late filing fee or oath	
				1052	50	Surcharge - late provisional filing fee or cover sheet	
				1053	130	Non-English specification	
				1812	2,520	For filing a request for reexamination	
				1804	920*	Requesting publication of SIR prior to Examiner action	
				1805	1,840*	Requesting publication of SIR after Examiner action	
				1251	110	Extension for reply within first month	
				1252	420	Extension for reply within second month	
				1253	950	Extension for reply within third month	
				1254	1,480	Extension for reply within fourth month	
				1255	2,010	Extension for reply within fifth month	
				1401	330	Notice of Appeal	
				1402	330	Filing a brief in support of an appeal	
				1403	290	Request for oral hearing	
				1451	1,510	Petition to institute a public use proceeding	
				1452	110	Petition to revive - unavoidable	
				1453	1,330	Petition to revive - unintentional	
				1501	1,330	Utility issue fee (or reissue)	
				1502	480	Design issue fee	
				1503	640	Plant issue fee	
				1460	130	Petitions to the Commissioner	
				1807	50	Petitions related to provisional applications	
				1806	180	Submission of Information Disclosure Stmt	
				8021	40	Recording each patent assignment per property (times number of properties)	
				1809	770	Filing a submission after final rejection (37 CFR § 1.129(a))	
				1810	770	For each additional invention to be examined (37 CFR § 1.129(b))	
				1801	770	Request for Continued Examination (RCE)	
				1802	900	Request for expedited examination of a design application	

Other fee (specify) Deficiency payment for error in Small Entity status

385

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$385

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)

Beth L. Kelly

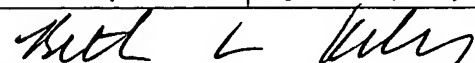
Registration No. (Attorney/Agent)

51,868

Telephone

415-576-0200

Signature



Date

8/30/04

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SEP 02 2004

PTO/SB/17,(10-03)

FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

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Complete if Known

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 First Named Inventor Gilbert, Michel
 Examiner Name Not yet assigned
 Art Unit 1652
 Attorney Docket No. 019633-000118US

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RECEIVED
SEP 08 2004

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account:
Deposit
Account
Number

20-1430

Deposit
Account
Name

Townsend and Townsend and Crew LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge any additional fee(s) or any underpayment of fee(s)
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
		1001	770	2001 385 Utility filing fee	
		1002	340	2002 170 Design filing fee	
		1003	530	2003 265 Plant filing fee	
		1004	770	2004 385 Reissue filing fee	
		1005	160	2005 80 Provisional filing fee	

SUBTOTAL (1)

(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
	..** =		
Independent Claims	..** =		
Multiple Dependent	X		

Large Entity	Small Entity	Fee Code	Fee (\$)	Fee Description
		1202	18	2202 9 Claims in excess of 20
		1201	86	2201 43 Independent claims in excess of 3
		1203	290	2203 145 Multiple dependent claim, if not paid
		1204	86	2204 43 ** Reissue independent claims over original patent
		1205	18	2205 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large	Entity	Small	Entity	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65			Surcharge - late filing fee or oath	
1052	50	2052	25			Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130			Non-English specification	
1812	2,520	1812	2,520			For filing a request for reexamination	
1804	920*	1804	920*			Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*			Requesting publication of SIR after Examiner action	
1251	110	2251	55			Extension for reply within first month	
1252	420	2252	210			Extension for reply within second month	
1253	950	2253	475			Extension for reply within third month	
1254	1,480	2254	740			Extension for reply within fourth month	
1255	2,010	2255	1,005			Extension for reply within fifth month	
1401	330	2401	165			Notice of Appeal	
1402	330	2402	165			Filing a brief in support of an appeal	
1403	290	2403	145			Request for oral hearing	
1451	1,510	1451	1,510			Petition to institute a public use proceeding	
1452	110	2452	55			Petition to revive - unavoidable	
1453	1,330	2453	665			Petition to revive - unintentional	
1501	1,330	2501	665			Utility issue fee (or reissue)	
1502	480	2502	240			Design issue fee	
1503	640	2503	320			Plant issue fee	
1460	130	1460	130			Petitions to the Commissioner	
1807	50	1807	50			Petitions related to provisional applications	
1806	180	1806	180			Submission of Information Disclosure Stmt	
8021	40	8021	40			Recording each patent assignment per property (times number of properties)	
1809	770	2809	385			Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385			For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385			Request for Continued Examination (RCE)	
1802	900	1802	900			Request for expedited examination of a design application	

Other fee (specify) Deficiency payment for error in Small Entity status

385

*Reduced by Basic Filing Fee Paid SUBTOTAL (3)

(\$)385

SUBMITTED BY

Complete (if applicable)

Name (Print/Type) Beth L. Kelly Registration No. (Attorney/Agent) 51,868 Telephone 415-576-0200

Signature

Beth L. Kelly

Date

8/30/04

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GILBERT and WAKARCHUK
Application No.: 10/735,419
Page 2

PATENT

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ITEMIZATION AND CALCULATION OF THE DEFICIENCY OWED

FILING DATE OF THE FEE	TYPE OF FEE	SMALL ENTITY FEE ACTUALLY PAID	(CURRENT) LARGE ENTITY FEE FOR ACTION	DEFICIENCY PAYMENT OWED
12/11/2003	Continuation Application Filing Fee	385	770	385

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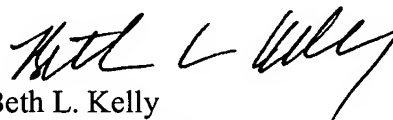
TOTAL DEFICIENCY PAYMENT OWED: \$385.00

Applicants hereby authorize the Commissioner to deduct the total deficiency owed of \$385.00 from Deposit Account No. 20-1430. Please deduct any additional fees due from, or credit any overpayment to, the above-noted Deposit Account.

Applicants understand that under 37 CFR §1.28(d), this submission is treated under §1.27(g) (2) as a notification of loss of entitlement to small entity status.

If the Examiner believes a telephone conference would expedite prosecution of this application, he is invited to telephone the undersigned at 415.576.0200.

Respectfully submitted,


Beth L. Kelly
Reg. No. 51,868

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